

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10184

United States of America

v.

Noel Neh

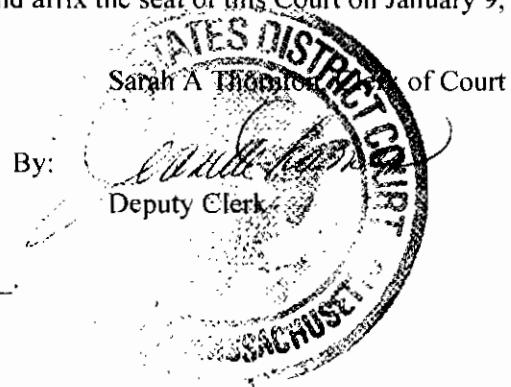
CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-43

and contained in 1 Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 12/13/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on January 9, 2007.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/9/07.

R. Barkay
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

CUSTAPP

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10184-GAO-ALL**

Case title: USA v. Neff

Date Filed: 07/21/2005

Magistrate judge case number: 1:05-mj-01685-CBS

Assigned to: Judge George A. O'Toole, Jr

Defendant**Noel Neff (1)**

TERMINATED: 12/14/2006

represented by **Chauncey B. Wood**
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 TERMINATED: 03/03/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

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LEAD ATTORNEY
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Pending Counts

18:2422(b) Use of Interstate Facility to
 Induce Minor to Engage in Sexual Activity
 (1)

Disposition

72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run

18:2423(b) Interstate Travel to Engage in Sexual Conduct with Minor
(2)

concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.

72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Disposition

18:2422(b) and 2423(b) Using a facility and means of interstate commerce, attempt to knowingly persuade, induce, entice, and coerce a person who had not attained the age of 18 years to engage in sexual activity for which any person can be charged with a criminal offense and did travel in interstate commerce for the purpose of engaging in a sexual act with a person under 18 years of age that would be in violation of chapter 109A if the sexual act had occurred in the special maritime and territorial jurisdiction of the United States.
(18:2422.F, 18:2423.F)

72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.

Plaintiff**USA**

represented by **Robert E. Richardson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/11/2005	①	COMPLAINT as to Noel Neff (1). (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/11/2005	②	AFFIDAVIT of David George re: 1 Complaint. (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/11/2005	③	NOTICE OF ATTORNEY APPEARANCE: Chauncey B. Wood appearing for Noel Neff. (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/11/2005	④	Probable Cause Arrest of Noel Neff. (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/11/2005	⑤	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Initial Appearance as to Noel Neff held on 7/11/2005. Case called, Counsel (Richardson, Wood), PTS Picozzi & Defendant appear, Defendant notified of rights, charges & maximum penalties, Government agrees to release, Probable Cause hearing set for 7/28/2005 @ 11:00 am IN BOSTON, Defendant released on conditions. (3:12 P.) (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/11/2005	⑥	Judge Charles B. Swartwood : ORDER Setting Conditions of Release for Noel Neff. (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/11/2005	⑦	Unsecured Bond Entered as to Noel Neff in amount of \$ 25,000.00. (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/12/2005	⑧	Set Hearings as to Noel Neff: Preliminary Examination set for 7/28/2005 11:00 AM in Courtroom 16 before Magistrate Judge Charles B. Swartwood. (Roland, Lisa) [1:05-mj-01685-CBS] (Entered: 07/12/2005)
07/21/2005	⑨	INDICTMENT as to Noel Neff (1) count(s) 1, 2. (Gawlik, Cathy) (Entered: 07/22/2005)
07/21/2005	⑩	Judge George A. O'Toole Jr.: ORDER entered. ORDER REFERRING CASE to Magistrate Judge Charles B. Swartwood Reason for referral: pretrial proceedings as to Noel Neff (Gawlik, Cathy) (Entered: 07/22/2005)
07/28/2005	⑪	Electronic Clerk's Notes for proceedings held before Judge Charles B.

		Swartwood :Arraignment as to Noel Neff (1) Count 1,2 held on 7/28/2005. Case called, Counsel (Leoney, Wood) & Defendant appear, Defendant notified of rights, charges & maximum penalties, Not Guilty Plea entered by Noel Neff on counts 1 & 2, Scheduling Order issued, Defendant's conditions of release remain in effect. (11:22 A.) (Roland, Lisa) (Entered: 07/28/2005)
07/28/2005	⑧	NOTICE OF HEARING as to Noel Neff; Status Conference set for 9/12/2005 02:00 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 08/02/2005)
07/28/2005	⑨	Judge Charles B. Swartwood : ORDER ON EXCLUDABLE DELAY as to Noel Neff; Time excluded from July 28, 2005 until August 11, 2005, cc/cl. (Roland, Lisa) (Entered: 08/02/2005)
07/28/2005	⑩	Judge Charles B. Swartwood : SCHEDULING ORDER as to Noel Neff, cc/cl. (Roland, Lisa) (Entered: 08/02/2005)
08/11/2005	⑪	NOTICE re automatic disclosure (dtd 8/1/05) as to Noel Neff (Attachments: # 1 Cover letter)(Edge, Eugenia) (Entered: 08/11/2005)
09/06/2005	⑫	Assented to MOTION to Continue to 10/11/2005 to Hold Initial Status Conference as to Noel Neff. (Wood, Chauncey) (Entered: 09/06/2005)
09/06/2005	⑬	Letter (non-motion) regarding Discovery as to Noel Neff (Wood, Chauncey) (Entered: 09/06/2005)
09/09/2005	⑭	JOINT MEMORANDUM of the parties re initial status conference by Noel Neff (Wood, Chauncey) (Entered: 09/09/2005)
09/13/2005	⑮	Judge Charles B. Swartwood : Electronic ORDER entered granting 12 Motion to Continue as to Noel Neff (1). "ALLOWED. See Initial Status Report filed this date." (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	⑯	Judge Charles B. Swartwood : ORDER entered. STATUS REPORT as to Noel Neff Status Conference set for 10/12/2005 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood. (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
09/14/2005	⑰	Judge Charles B. Swartwood : ORDER entered. ORDER ON EXCLUDABLE DELAY as to Noel Neff Time excluded from 8/11/05 until 10/12/05. (cc/cl) (Jones, Sherry) (Entered: 09/15/2005)
10/12/2005	⑱	Electronic Clerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Noel Neff held on 10/12/2005. Case called, Counsel (Cabell, Wood) appear by telephone, Counsel request additional time, Oral motion to excluded time, Case continued, Status Report and Order on Excludable Time to issue. (Digital Recording 2:47 P.) (Roland, Lisa) (Entered: 10/12/2005)
10/12/2005	⑲	Oral MOTION for Excludable Delay as to Noel Neff by USA. (Roland, Lisa) (Entered: 10/12/2005)
10/13/2005	⑳	Judge Charles B. Swartwood : STATUS REPORT as to Noel Neff; Status Conference set for 10/14/2005 02:15 PM in Courtroom 1 before Magistrate

		Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 10/14/2005)
10/13/2005	18	Judge Charles B. Swartwood : Order of Excludable Time as to Noel Neff (1). Time excluded from October 12, 2005 through December 14, 2005, cc/cl. (Roland, Lisa) (Entered: 10/14/2005)
12/14/2005	19	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Noel Neff held on 12/14/2005. Case called, Counsel (Richardson, Wood) appear by telephone, Counsel request additional time, Oral motion to exclude time, Case continued, Status Report and Order of Excludable Time to issue. (Digital Recording 2:25 p.) (Roland, Lisa) (Entered: 12/15/2005)
12/14/2005	20	Oral MOTION for Excludable Delay as to Noel Neffby USA. (Roland, Lisa) (Entered: 12/15/2005)
12/16/2005	21	ASSENTED TO MOTION to Modify Conditions of Release as to Noel Neff. (Wood, Chauncey) Additional attachment(s) added on 12/19/2005 (Jones, Sherry). Modified on 12/19/2005 (Jones, Sherry). (Entered: 12/16/2005)
12/19/2005	22	Judge Charles B. Swartwood : STATUS REPORT as to Noel Neff; Status Conference set for 1/19/2006 02:30 PM in Courtroom 1 before Magistrate Judge Charles B. Swartwood, cc/cl. (Roland, Lisa) (Entered: 12/22/2005)
12/19/2005	23	Judge Charles B. Swartwood : Order of Excludable Time as to Noel Neff (1). Time excluded from December 14, 2005 through January 19, 2006, cc/cl. (Roland, Lisa) (Entered: 12/22/2005)
12/20/2005	24	Judge Charles B. Swartwood : Electronic ORDER entered granting 19 Motion to Modify Conditions of Release as to Noel Neff (1). "ALLOWED. Give PTS complete itinerary of trip and report before and after trip." cc/cl (Roland, Lisa) (Entered: 12/20/2005)
01/19/2006	25	ElectronicClerk's Notes for proceedings held before Judge Charles B. Swartwood :Status Conference as to Noel Neff held on 1/19/2006. Case called, Counsel (Richardson, Wood) appear by telephone, Case to be sent back to the District Judge, Final Status Report to issue. (Digital Recording 11:50 A.) (Roland, Lisa) (Entered: 01/19/2006)
01/20/2006	26	Judge Charles B. Swartwood : FINAL STATUS REPORT as to Noel Neff, cc/cl. (Roland, Lisa) (Entered: 01/28/2006)
01/20/2006	27	Case as to Noel Neff no longer referred to Magistrate Judge Charles B. Swartwood. (Jones, Sherry) (Entered: 01/30/2006)
02/06/2006	28	NOTICE OF HEARING as to Noel Neff Status Conference set for 2/13/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 02/06/2006)
02/10/2006	29	Set/Reset Hearings as to Noel Neff: Status Conference set for 2/13/2006 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 02/10/2006)
02/13/2006	30	MOTION to Withdraw as Attorney by Chauncey B. Wood. as to Noel Neff.

		(Wood, Chauncey) (Entered: 02/13/2006)
02/13/2006	③	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Status Conference as to Noel Neff held on 2/13/2006. Court awaiting motion to admit attorney Francis O'Reilly Pro Hac Vice Status Conference set for 2/27/2006 02:30 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time between now and 2/27/06 is excluded in the interest of justice.(Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 02/13/2006)
02/13/2006	②4	MOTION for Leave to Appear Pro Hac Vice by Francis L. O'Reilly Filing fee \$ 50, receipt number 70314. as to Noel Neff. (Edge, Eugenia) (Entered: 02/15/2006)
02/15/2006	③	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>24</u> Motion for Leave to Appear Pro Hac Vice for Attorney Francis L. O'Reilly for Noel Neff. as to Noel Neff (1) (Edge, Eugenia) (Entered: 02/15/2006)
02/27/2006	③	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Pretrial Conference as to Noel Neff held on 2/27/2006 Jury Trial set for 5/15/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Final Pretrial Conference set for 5/4/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 02/27/2006)
03/03/2006	③	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>23</u> Motion to Withdraw as Attorney. as to Noel Neff (1) (Lyness, Paul) (Entered: 03/03/2006)
03/29/2006	③	Set/Reset Hearings as to Noel Neff: Final Pretrial Conference set for 5/10/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 03/29/2006)
04/14/2006	②5	MOTION to Manual File as to Noel Neff. c/s(Edge, Eugenia) (Entered: 04/17/2006)
04/25/2006	③	Judge George A. O'Toole Jr.: Electronic ORDER entered denying <u>25</u> Motion as to Noel Neff (1) (Lyness, Paul) (Entered: 04/25/2006)
04/25/2006	②6	NOTICE Under L.R. 40.2 by U.S.A. by Noel Neff (Richardson, Robert) (Entered: 04/25/2006)
04/27/2006	②7	Notice issued to Attorney Francis D. O'Reilly regarding mandatory use of ECF in compliance with Local Rule 5.4 as to Noel Neff. Failure to comply may result in the imposition of sanctions. **4/26/06 spoke with Cathy, assistant to Atty. O'Reilly, re: registration. Instructed her on how to register for efilng via www.mad.uscourts.gov.** (Edge, Eugenia) (Entered: 04/27/2006)
05/01/2006	②8	First MOTION to Travel as to Noel Neff. (O'Reilly, Francis) Additional attachment(s) added on 5/2/2006 (Edge, Eugenia). (Entered: 05/01/2006)
05/02/2006	③	Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>28</u> Motion to Travel as to Noel Neff (1) (Lyness, Paul) (Entered: 05/02/2006)
05/03/2006	②9	Proposed Jury Instructions/Request for Charge by Noel Neff (O'Reilly, Francis) Additional attachment(s) added on 5/5/2006 (Edge, Eugenia). Modified on

		5/5/2006 (Edge, Eugenia). (Entered: 05/03/2006)
05/03/2006	30	First Proposed Jury Questions by Noel Neff (O'Reilly, Francis) Additional attachment(s) added on 5/5/2006 (Edge, Eugenia). (Entered: 05/03/2006)
05/05/2006	31	Proposed Jury Instructions by USA as to Noel Neff (Richardson, Robert) (Entered: 05/05/2006)
05/10/2006	32	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Final Pretrial Conference as to Noel Neff held on 5/10/2006. The jury trial will commence as scheduled on 5/15/06 at 9:00am in Courtroom 9 on the 3rd floor. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/11/2006)
05/12/2006	32	Proposed Voir Dire by USA as to Noel Neff (Richardson, Robert) (Entered: 05/12/2006)
05/12/2006	33	WITNESS LIST by USA as to Noel Neff (Richardson, Robert) Modified on 5/16/2006 (Edge, Eugenia). (Entered: 05/12/2006)
05/15/2006	34	EXHIBIT LIST by USA as to Noel Neff (Richardson, Robert) Modified on 5/16/2006 (Edge, Eugenia). (Entered: 05/15/2006)
05/15/2006	35	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Voir Dire begun on 5/15/2006 Noel Neff (1) on Count 1,2 (Court Reporter Marcia Patrisso.) (Lyness, Paul) (Entered: 05/16/2006)
05/15/2006	36	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Selection as to Noel Neff held on 5/15/2006 (Court Reporter Marcia Patrisso.) (Lyness, Paul) (Entered: 05/16/2006)
05/16/2006	37	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Trial as to Noel Neff held on 5/16/2006. The jury is duly and empanelled and sworn. Opening statements are made. 9:20am- Gov't- 9:40am; 9:40am-Def't.- 9:50am. Testimony of gov't witness David George begins; Testimony of gov't witness James Butler begins and ends. Evidence presented. (Court Reporter Marcia Patrisso.) (Lyness, Paul) (Entered: 05/16/2006)
05/17/2006	38	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Trial as to Noel Neff held on 5/17/2006. Testimony of govt's witness David George concludes. Testimony of govt's witness Charles Sperber given. Government rests. Defendant's Rule 56 motions are DENIED. Defendant presents his case. Testimony of defendant's witnesses Kari Ridge and Donna Henry given. Defendant rests. A charging conference is held. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/17/2006)
05/18/2006	39	ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Jury Trial as to Noel Neff held on 5/18/2006. 9:45- The court completes the first half of its charge- 10:10am; Closing statements are given. 10:10 - Gov't- 10:45; 10:45 - Def't.- 11:00am; 11:00- Rebuttal- 11:05; 11:05- Court completes its charge- 11:30am. Jury begins deliberations at 11:30am. Lunch is served at 1:00pm. Jury comes back with a verdict at 1:55pm. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 05/18/2006)
05/18/2006	40	JURY VERDICT as to Noel Neff (1) Guilty on Count 1,2. (Lyness, Paul)

		(Entered: 05/18/2006)
05/18/2006	36	Judge George A. O'Toole Jr.: ORDER entered. PROCEDURAL ORDER re sentencing hearing as to Noel Neff Sentencing set for 9/14/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 05/19/2006)
05/19/2006	37	WITNESS LIST (Lyness, Paul) (Entered: 05/19/2006)
05/19/2006	38	EXHIBIT LIST (Lyness, Paul) (Entered: 05/19/2006)
08/29/2006	39	First MOTION to Continue <i>Sentencing</i> to 12/2006 as to Noel Neff. (O'Reilly, Francis) Additional attachment(s) added on 8/30/2006 (Edge, Eugenia). (Entered: 08/29/2006)
08/31/2006	40	Judge George A. O'Toole Jr.: Electronic ORDER entered granting 39 Motion to Continue as to Noel Neff (1) Sentencing set for 12/13/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. NO FURTHER CONTINUANCES WILL BE ALLOWED. (Lyness, Paul) (Entered: 08/31/2006)
12/11/2006	41	SENTENCING MEMORANDUM by Noel Neff (O'Reilly, Francis) Additional attachment(s) added on 12/13/2006 (Edge, Eugenia). (Entered: 12/11/2006)
12/12/2006	41	SENTENCING MEMORANDUM by USA as to Noel Neff (Richardson, Robert) (Entered: 12/12/2006)
12/13/2006	42	Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Sentencing held on 12/13/2006 for Noel Neff (1), 72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.; Count(s) 1, 72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.; Count(s) 2, 72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 12/14/2006)
12/13/2006	43	NOTICE OF APPEAL by Noel Neff re 42 Judgment. NOTICE TO COUNSEL:

		A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. (Edge, Eugenia) (Entered: 12/14/2006)
12/14/2006	42	Judge George A. O'Toole Jr.: ORDER entered. JUDGMENT as to Noel Neff (1), 72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.; Count(s) 1, 72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00.; Count(s) 2, 72 months on each of counts 1 and 2, to run concurrently with each other. The court recommends to the Bureau of Prisons that the defendant be designated to FCI-Butner in North Carolina for participation in that facility's sex-offender specific treatment program. 5 year supervised release on each of counts 1 and 2, to run concurrently with each other. (See the judgment for conditions of supervised release). Defendant is fined \$2,500.00. The interest requirement is waived for the fine. Defendant is assessed a total of \$200.00. (Lyness, Paul) (Entered: 12/14/2006)